

The National Organic Standards Board
c/o Valerie Frances, Executive Director
NOSB, USDA-AMS-TM-NOP
1400 Independence Avenue, SW.
Room 4008-South Bldg., Ag Stop 0268
Washington, D.C. 20250-0200

October 5th, 2006

Dear Ms. Frances,

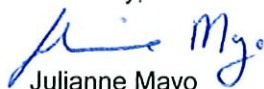
Ocean Nutrition Canada Limited (ONC) researches, manufactures, and markets Omega-3 fish oil healthy food ingredients worldwide. There is currently no standard in place that allows for the production of certified organic fish oil products in the United States. As such, our situation presents a fairly clear case of commercial unavailability of an organic alternative. However, ONC would still like to comment on the Handling Committee's recommendation for the Establishment of Commercial Availability Criteria. We thank you for the opportunity to provide comments on this recommendation.

The HC has put forward three recommendations concerning the establishment of commercial availability criteria. Recommendations A and B require the National Organic Standards Board (NOSB) to be the first line of decision-making concerning the commercial availability of products petitioned for inclusion on the National List. This approach will delay the processing of petitions for addition to section §205.606. Further, the commercial availability of a product can be dynamic. As such, allowing case-by-case assessment by the accredited certifying agents (ACAs), as proposed in recommendation C, would be a more effective means of accurately determining commercial availability. A stand-alone guidance document that can be used by ACAs in their assessment of commercial availability would help to create consistency in their determinations.

Organic consumers should have the same opportunity for access to value-added, functional foods as conventional consumers. Therefore, the assessment of petitions for the addition of nonorganic agricultural materials to the National List should allow room for new organic product development. The 5% nonorganic portion that is permitted in certified organic products allows for broader application of organic products. An increased number of organic products in the marketplace can benefit many areas, including the environment, the consumer, and the industry as a whole. Therefore, regulations need to keep pace with innovation. To facilitate this, processing of petitions for §205.606 should be expedited to allow continued organic product supply and development following June 9th, 2007.

In summary, Ocean Nutrition Canada supports recommendation C concerning the role of ACAs in determining commercial availability of materials on §205.606. Thank you for your consideration of these comments. ONC would also like to extend thanks to the HC for their commitment and effort in developing these recommendations for establishing commercial availability criteria.

Sincerely,



Julianne Mayo
Regulatory Affairs Associate